

The Nebraska ENGINEER

legislative update

Nebraska Society of Professional Engineers- A state society of the National Society of Professional Engineers

NeSPE promotes the legislative interests of Nebraska's Engineering Profession

Legislative Update as of February 22, 2006

Important Notice

LB 904 - return the 1/2 cent sales tax on motor vehicles to the Highway Trust Fund

LB 904 is scheduled for hearing March 1, 2006 before the Revenue Committee at 1:30 p.m. in Room 1524 at the State Capitol. The Professional Engineers Coalition is in support of this legislation and will appear before the committee to testify in favor of the bill. Should you wish to share your support for returning the half-cent sales tax on motor vehicles to the Highway Trust Fund, the members of the Revenue Committee are listed below:

Revenue Committee Members:

Senator Dave Landis, Lincoln	402-471-2720
Senator Tom Baker, Trenton	402-471-2805
Senator Matt Connealy, Decatur	402-471-2728
Senator Abbie Cornett, Bellevue	402-471-2615
Senator Ray Janssen, Nickerson	402-471-2625
Senator Don Preister, Omaha	402-471-2710
Senator Ron Raikes, Lincoln	402-471-2731
Senator Pam Redfield, Omaha	402-471-2623

LB 904 would result in \$15 million that would be returned to the Highway Trust Fund.

THANK YOU FOR PROTECTING THE HIGHWAY TRUST FUND!

The following bills have been set for public hearing, advanced to General File, Select File, or Indefinitely Postponed since the publishing of the last *Legislative Update*. If you would like a copy of the full *Legislative Update* outlining those bills that the Professional Engineers Coalition is tracking during this session, please contact the state office at 402-476-2572.

- LB 75 (Beutler) Authorize certain cities to make public improvements and assess the cost. Permits Omaha and Lincoln to make public improvements then assess the cost to the property improved. See storm water issue LB 102.
Urban Affairs/January 18, 2005
Status: Advanced to Select File on February 2, 2006.
- LB 77 (Baker) Eliminates the Motor Vehicle Tax Fund and requires motor vehicle registration fees to be deposited into the Highway Allocation Fund so that such fees are strictly used for county road purposes.
Transportation/January 18, 2005
Status: Advanced to General File.
- LB 166 (Synowiecki) Changes provisions relating to contractor registration. Changes provisions within the Contractors Registration Act, including increasing the fee for an application from \$25 to \$100.
Business & Labor/February 14, 2005
Status: Advanced to General File with Committee Amendment 566.
- LB 248 (Baker) Prohibit certain city taxes, change motor fuel tax rates, and restrict use of certain tax revenue. Raises the tax from 10 ½ cents to 12 ½ cents per gallon. Restricts how the money may be used and prohibits a city from levying an occupation tax on motor fuels.
Revenue Committee/January 27, 2005
Status: Advanced to Select File on February 2, 2006.
- LB 293 (Schimek) Change application review procedures under the Livestock Waste Management Act. Affords the counties 30 days to respond to the department regarding an application instead of the 20 days currently in statute.
Natural Resources/February 16
Status: Advanced to General File with Committee Amendment 801.
- LB 325 (Raikes) Change and eliminate provisions relating to ethanol and the Ethanol Board and change fees.
Revenue/February 2, 2005
Status: Advanced to General File with Committee Amendment 295.
- LB 394 (Redfield) Exempt certain business owners from the Employment Security Law
Business/January 31, 2005
Status: Advanced to General File.
- LB 489 (Business & Labor) Change elevator inspection provisions.
Business/March 14, 2005
Status: Advanced to General File AM 1006.

- LB 508 (Schrock) Change cost-share provisions for decommissioning illegal water wells. Repeals a section of law that requires a public official to only accept plans, specifications, geologic maps, and reports that have been prepared in accordance with the Geologist Regulation Act.
Natural Resources/January 26, 2006
Status: Select File.
- LB 564 (Janssen) Provide requirements relating to contracts dealing with payment of federal excise tax. Impact engineering firms doing business.
Banking/February 15, 2005
Status: General File.
- LB 614 (Pahls) Authorize salary adjustments for employees of the State Electrical Division.
Appropriations/February 23, 2005
Status: Advanced to Select File
- LB 697 (Brown) Rename the Department of Roads
Transportation
Status: Advanced to General File with Com Am 723.
- LB 805 (Natural Resources) Create the Interrelated Water Management Plan Program whose purpose is to facilitate and fund the duties of natural resources districts arising under the Nebraska Ground Water Management and Protection Act. This program is to be a grant program administered by the Natural Resources Commission and the Department of Natural Resources upon recommendations by the Commission. Requires the natural resources districts to provide a minimum, a local revenue match comprising 20% of the total project.
Natural Resources/January 18, 2006
Status: Advanced to General File.
- LB 814 (Hudkins) Change motor fuel taxes and reallocate certain sales tax. Raises the motor fuel excise tax from 10 ½ to 11 ½ cents per gallon and from 2 to 4 cents per gallon for producers, distributors, wholesalers, importers and suppliers and reallocate all such sales tax revenues to the Highway Trust Fund.
Revenue Committee/February 15, 2006
- LB 829 (Baker) Prohibit municipal taxes on motor fuel and change provisions relating to roads funds. Prohibits a city council from levying an occupation or business tax related to motor fuel. Any occupation or business tax related to motor fuel adopted prior to the operative date of this act would terminate on the operative date of this act. Also, money derived from sales and use taxes imposed upon motor vehicles, trailers, and semi-trailers would be further restricted than current law allows.
Revenue Committee/February 15, 2006
- LB 837 (Redfield) Change distribution of Purpose Heart license plate fees from the Highway Trust Fund to the Nebraska Veteran Cemetery System Endowment Fund.
Status: Advanced to General File on February 13, 2006

- LB 848 (Connealy) Establish a renewable fuel content standard for gasoline. Beginning January 1, 2007 all gasoline offered for sale, sold or dispensed for use as motor fuel shall contain a renewable fuel content equal to or greater than 3 ½ percent by weight. Gasoline shall be exempt from the requirements if:
- a) for use in historical vehicle, off-road vehicle, motorcycles, boats, snowmobiles, small engines, and the exempted gas is dispensed into a can with a capacity of 6 or fewer gallons, the exempted gas is premium grade, and no more than one storage tank on premises is used for exempted gas.
 - b) premium grade fuel containing 91 or more octane
 - c) offered for sale, sold or dispensed at an airport
- Natural Resources Committee/February 10, 2006*
- LB 857 (Smith) Change motor fuel sales tax revenue distribution. Provide that the motor vehicle sales tax revenue in excess of 5% be credited to the Highway Trust Fund rather than the General Fund.
Revenue Committee/March 1, 2006
- LB 899 (Preister) Provide powers and duties to the Public Counsel. Gives citizens and public bodies an alternative advisory resource regarding questions and concerns about interpretations and possible violation of the state Open Meetings and Public Records provisions. A new staff member in the Public Counsel's office would be responsible for addressing these issues. Jurisdiction extends to all Nebraska public bodies.
Government/January 25, 2006
Status: Indefinitely Postponed - February 7, 2006
- LB 900 (Preister) Redefine public body for purposes of the Open Meetings Act. Currently both the Supreme Court of Nebraska has ruled, and the Attorney General's office has issued opinions, taking the position that any public body exercising a quasi-judicial function is exempt from the requirements of the Open Meetings Act. Under LB 900, a public body conducting quasi-judicial proceedings would be subject to the Open Meetings Act.
Government/January 25, 2006
Status: Indefinitely Postponed - February 7, 2006
- LB 902 (Preister) Change provisions relating to state contract for services by proposing a cost-benefit analysis requirements apply to all contracts over \$50,000 if the job functions are being performed or have been performed within the past 12 months by a state employee covered by the classified personnel system or labor contract. There are a number of contracts and services which would be exempt from this requirement, including additional services identified in §73-507.
Government, January 25, 2006
Status: Indefinitely Postponed - February 10, 2006
- LB 904 (Baker) Return ½ cent sales tax on motor vehicles to the Highway Trust Fund.
Revenue Committee/March 1, 2006
Status: Sen. Baker's Priority Bill
- LB 918 (Mines) Adopt the Personal Information Privacy Act.
Judiciary/January 26, 2006
Status: Indefinitely Postponed January 23, 2006.

- LB 930 (Beutler) Establish a water conservation fee and provide for its use beginning in 2006. The fee shall be imposed on irrigated real property on a per-acre basis and on municipal water service on a per capita basis in the amounts determined by the director. Establishes a fee on irrigated acres and municipal use without setting the amount of the fee.
Natural Resources/January 18, 2006
Status: Indefinitely postponed January 23, 2006
- LB 933 (Natural Resources) Change provisions relating to water resources. Clean-up legislation designed to address issues that developed following the passage of LB 962 in 2004. These technical changes cover a broad range, including but not limited to, the correction of inaccuracies, the clarification of provisions, the addition of notice requirement and the addition of definitions. The proposed changes were developed by the department in cooperation with the surface water and ground water subcommittees of the Water Policy Task Force and were approved by the entire Task Force.
Natural Resources/January 18, 2006
Bill Status: Advanced to General File -Committee Amendment 1915.
- LB 935 (Beutler) Change distribution and allocation of certain sales tax revenue and roads funds. Amends the distribution and allocation of sales tax revenue and roads funds. The bill would provide that the State Treasurer monthly distribute the proceeds equal to a sales tax rate of one-half percent derived from motor vehicles, trailers and semi-trailers from the proceeds of sales and use taxes credited to the highway Trust Fund as follows: (a) one-half of such amount distributed to the counties and municipal counties for road construction purposes on a per-capita basis calculated using the most recent federal census figures certified by the Tax Commissioner; and b) one-half of such amount distributed to the municipalities and municipal counties for road construction purposes on a per capital basis calculated using the most recent federal census figures certified by the Tax Commissioner.
Revenue Committee/March 1, 2006
Status: Speaker Priority Bill
- LB 959 (Janssen) Exempt construction labor from sales tax.
Revenue/February 2, 2006
- LB 967 (Howard) Terminate the construction labor sales tax on residential home repairs on primary residence. Repeals the tax imposed on labor for repairs made to residential homes.
Revenue Committee/February 2, 2006
- LB 977 (Schrock) Change motor fuel tax rates.
Revenue Committee/February 15, 2006
- LB 1030 (Combs) Provide for notice of inspection of public park buildings.
Government/February 8, 2006

- LB 1056 (Raikes) Modify the factors and weight used in determining the amount allocated to counties for roads. In the municipal formula, the weight for population is increased from fifty to sixty percent, while the weights for motor vehicle registrations and lane miles are each reduced by five percent to twenty-five and fifteen percent respectively. In the county formula, additional weight is given to the total population and total motor vehicle registration factors. These factors are increased to fifteen percent, upon from ten percent in the current formula. To accommodate this increase, the rural population and rural motor vehicle registration factors are reduced from twenty to fifteen percent. The weights for the remaining factors are unchanged.
Transportation & Telecommunications/January 24, 2006
Status: Indefinitely Postponed February 14, 2006.
- LB 1057 (Brown) Create the Roads to Economic Development Fund and provide for its use and change county road funding. This will fund roads and streets infrastructure that furthers economic development in the state of Nebraska. The bill would allow the state of Nebraska to be more responsive to proposed projects. The bill also alters the distribution formula for roads aid to local political subdivisions. This new formula result in a more equitable, population based distribution of road tax revenues to counties.
Transportation & Telecommunications/January 24, 2006
Status: Indefinitely Postponed February 14, 2006.
- LB 1077 (Schrock) Appropriate funds to the Department of Natural ResourcesAppropriates \$10,000,000 from the General Fund for FY2006-09 to the Department of Natural Resources to be used for funding the duties of natural resources districts under the Nebraska Ground Water Management and Protection Act to carry out an interrelated water management plan program.
Appropriations Committee/February 1, 2006
- LB 1084 (Cunningham) Transfer boiler, amusement ride, and elevator inspection to the State Fire Marshal
Government/February 8, 2006
- LB 1091 (Business & Labor) Provide a penalty for nonpayment or late payment of wages
Business/February 6, 2006.
- LB 1097 (Schrock) Create the Storm Water Management Plan Program.
The purposes of the plan are facilitation and funding of the duties of cities arising under the federal Clean Water Act, 33 U.S.C. 1251 et seq. as such act existed on January 1, 2006 regarding storm water runoff under the National Pollutant Discharge Elimination System requirements. The Storm Water Management Plan Program shall function as a grant program administered by DEQ. The Environmental Quality Council shall develop guidelines and limitations for grant application for funding an applicant city's requirements.
Natural Resources/February 8, 2006

- LB 1109 (Schrock) Change permit and disciplinary action provisions of the Livestock Waste Management Act. Requires the department to reject an application for a National Pollutant Discharge Elimination System permit or a construction and operating permit upon a finding that the applicant is unsuited to perform the obligations of the permitholder etc. Requires the department to revoke or suspend a National Pollutant Discharge Elimination System upon a finding that the permittee is unsuited to perform the obligations of a permitholder.
Status: Advanced to General File on February 6, 2006
- LB 1121 (Brown) Appropriate funds to the Department of Economic Development to contract for an environmental study relating to hydroelectric dam project.
Status: Indefinitely Postponed - February 8, 2006
- LB 1130 (Stuthman) Authorize the creation of transportation development districts and grant powers
Revenue Committee/February 2, 2006
- LB 1147 (Kremer) Eliminate the qualifications of the Director of Natural Resources.
Natural Resources Committee/February 2, 2006
PEC testified in opposition.
OWH editorial in opposition to bill.
Status: Indefinitely Postponed - February 13, 2006
- LB 1186 (Connealy) Create the Renewable Fuel Infrastructure Cost-Share Program administered by the Department of Economic Development.
Natural Resources Committee/February 10, 2006
- LB 1187 (Connealy) Provide for the sale and use of alternative fuel
Natural Resources Committee/February 10, 2006
- LB 1191 (Howard) Change the distribution of county and municipal county roads funds
Transportation/February 7, 2006
Status: Indefinitely Postponed - February 14, 2006
- LB 1198 (Connealy) Provide for microsale producers of biofuel and fuel tax treatment of such producers.
Revenue Committee/February 15, 2006
- LB 1217 (Baker) Change provisions relating to use of ethanol production tax credits
Revenue Committee/February 15, 2006
- LB 1225 (Langemeier) Change provisions relating to hydrologically connected water
Natural Resources Committee/February 15, 2006
- LB 1226 (Langemeier) Change provisions relating to instream appropriations, ground water, and management areas
Natural Resources Committee/February 9, 2006
Status: Designated as Langemeier's Priority Bill
- LB 1229 (Stuhr) Appropriate funds to the Department of Roads for a paving project referred to as the Charleston Link. The Department of Roads shall give priority to state gravel roads that have been identified as projects for hard-surface improvements and shall complete such improvements by 2012.
Appropriations Committee/February 2, 2006